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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,241	02/11/2004	Yoshinori Ban	2018-846	9909

23117 7590 07/03/2006

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

NGUYEN, CUONG H

ART UNIT PAPER NUMBER

3661

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/775,241	BAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/11/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

***DETAILED ACTION***

1. This Office Action is the answer to the communication received on 2/11/04, which paper has been placed of record in the file.
2. Claims 1-10 are pending in this application.

***Drawings***

3. The submitted drawings are acceptable for examining purposes.

***Priority***

4. Acknowledgment is made of applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d) (Japanese Application# 2003-41628 date 2/19/2003).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

- a. Claims 1, and 5 cite a unit "for alternately transmitting the communication frame created in the communication frame creating unit and the another communication frame"; however, the claimed feature of how to alternate transmit signals from different sources should be explained further, so that one with ordinary skill in the art can duplicate this invention without trial and error – it is vague and unclear in present form, that is, that "how" question is essential to the claimed invention but not elaborated in the claim (the specification shows a vague description in paragraph [0080]: "According to the processing shown by the flowcharts of FIGS. 3 to 6B, when there occurs such a case that ENG frames and ECT frames are required to be transmitted around the

same time, the transmission mediating unit 31 alternately transmits the ENG frames and the ECT frames. FIG. 7 shows a time chart when the ENG frames and the ECT frames are alternately transmitted.” In Fig. 7, there is no indication of time relation/measurement); or “[0084] Through the processing of the transmission mediating unit 31 as described above, the transmission of both types of communication frames can be started at the earliest timing” – what is a clear definition for “earliest timing”?

b. Claim 5 cites a control system comprising 2 control units “wherein the first electrical control unit includes a transmission mediating unit for alternately transmitting the first and second communication frame when the first electrical control unit transmits the first communication frame on the first bus at approximately a same time as the second electrical control unit transmits the second communication frame on the first bus.” This should be elaborated further so that one with ordinary skill in the art can duplicate this invention without trial and error – currently, it is vague and unclear, that is, that there is no definition of how accuracy is that “approximately a same time”, or a clear definition of “approximately a same time”; this is essential to the claimed invention but not elaborated in the claim/specification.

6. Claims 8-10 recite about “The control system according to any one of claim...” these relations (“according to any one of claim”) are vague and unclear for above claims.

7. Dependent claims 2-4, and 6-10 are also rejected because they inherit above defects in based claims 1, and 5.

### **Conclusions**

8. The prior art made of record, which are listed in PTO-892, and not relied upon are considered pertinent to applicant's disclosure.

9. Note: The applicants broadly claim an electronic unit capable to “alternate” transmit electronic frames from 2 different sources (e.g., see pending claim 1); this concept is already well known (see


the IDS submitted on 2/11/04 – JP2002325085; a temporary storage unit (see also that IDS, JP-A-2-114745), and a transmission unit (see also that IDS, JP7319802 – mechanism 13). The reference to “a vehicle” only happens in claims 3-4, and 8-10; therefore, scope and preambles of independent claims 1, and 5 should be clearly defined.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661

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